

COMMISSION CONFERENCE**October 1, 2002**

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COMMISSION CONFERENCE

1:30 P.M.

OCTOBER 1, 2002

Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore and Smith

Also Present: City Manager, City Attorney, City Clerk and Sergeant-At-Arms

OB – Office of Professional Standards

The City Manager stated that the Commission had expressed their disappointment that he had not been able to select a Director for the Office of Professional Services and he was challenged to make such an appointment by the end of September. Mr. Stephen Scott was selected and formerly had worked in the City Attorney's Office. He specialized in Labor Law and Labor Relations for the City of Miami and also had worked in the City Attorney's Office in Hialeah.

Mr. Stephen Scott stated that he looked forward to meeting and working with everyone towards the City's goals and objectives.

I-A – Proposals Received in Response to Request for Proposals (RFP) – Lease and Development of Former New River U.S. Post Office Site

Chuck Adams stated it had been pointed out that the rent over the 50-year period had been calculated in error and a correction sheet had been provided. He explained that the proposers had similar issues that the Commission would have to address. Both groups were present: Abreu LLC Group and the New River Trading Post.

Mayor Naugle proceeded to explain that there would be 15-minute presentations followed by questions from the City Commission. Thereafter, public comments would be welcomed.

The Abreu LLC Group made the first presentation.

Walter Morgan, attorney for Abreu LLC, stated that the principals were John Ropes and John Chapple. He explained that the RFP requested that the proposers come back with a new structure in keeping with the character to be preserved and enhanced within the Historic District. He stated that the building they were presenting was architecturally compatible with the area and was based upon Francis Abreu's work. He further stated that it would complete Riverwalk and give the public the use of the area both during the day and at night. He further stated that they were proposing a public and private use for the building and were including a component that would provide for a community theatre.

Mr. Morgan further stated that the Commission had received a position statement from the Performing Arts Center which addressed their criteria with regard to their

participation in this project. He further explained that the RFP had requested that the project not require any contribution by the City. He explained that the public partnership contribution would require no rent from the Performing Arts Center and no rent from the Maritime Museum. They were also proposing to build a dock space at no cost to the City. He believed the real significance of the project was the mixed use, which was within the proposal.

John Ropes stated that he had developed the building New River Court that was adjacent to this site. He explained the building had originally been built in 1929 and they had restored it, and had it qualified by the Interior Department and placed on the National Register of Historic Properties. In addition, his group worked on Riverwalk Plaza in 1985 to 1986. He explained that this had been the original center of downtown Fort Lauderdale.

Mr. Ropes stated that their design was an original Abreu design. He explained that the building consisted of three stories. The first story was to be retail and had housed the post office, and due to economic conditions the top two floors, which were to be hotel rooms, were never built. Mr. Ropes continued stating that in the spirit of adaptive reuse they turned the building into a two-story building for office and retail which would complete the historic area by adding symmetry and definition. Mr. Ropes proceeded to show a drawing of their proposed building.

Mr. Ropes continued stating that there would be 34,000 square feet of office and retail space available. In the rear would be a community theater consisting of approximately 300 seats and an 8,000 square foot restaurant. He stated that his group envisioned this to be analogous to Tavern on the Green and provide an interactive use. Mr. Ropes also stated that the lobby of the building would provide a staging area for the theater that would provide outdoor and indoor exhibit areas for the Maritime Museum or whoever the entity was at the time.

Rhett Roy, architect for the project, stated that he would explain the physical design of the proposal. He felt that one of the key factors of their proposal was that it was deeply rooted in history. In addition to the rendering provided, the City designated the site in 1971 and purchased it in 1973 in order to preserve the historical integrity of the site and the building.

Mr. Roy proceeded to show a composite of the four elevations of the proposed building. An arcade would be included across the front and 2/3 of the back of the building which would connect on the west facing Esplanade Park. He also showed a survey analysis of the existing building. He explained that this building was surrounded by an 80-foot road right-of-way, a 55-foot road right-of-way, a 15-foot alley, and a 15 foot dedicated access easement, which provided a circulation loop around the property.

Mr. Roy stated that discussions had been held regarding moving the building closer to Second Avenue and being in alignment with the other historical buildings in the area or possibly moving it to the west. He advised that all suggestions would be contemplated.

Mr. Roy showed the Commission the site plan of the project, along with the elevations of the proposed restaurant.

Mr. Morgan stated that the focus on the financial capacity was proven and the group was experienced in developing retail and office space, and the risk associated with the community theater was nil. The developers would be operating only one component of this proposal and that would be the retail and office spaces. Mr. Morgan explained that the Maritime Museum was not a proven entity, and therefore, no rent would be charged.

The second presentation was made by New River Trading Post.

Robert Lochrie, on behalf of New River Trading Post, introduced the development team for this project. Alan Hooper, developer, general contractor and real estate agent had developed several properties along Second Avenue, including the Himmarshee Bar and Grill, Tarpon Bend Restaurant, Riverhouse Restaurant, and the new Tarpon Bend Restaurant in Weston. Tim Petrillo was a restaurant operator with 3 restaurants in the area with revenues of over \$10 Million annually, and he also managed real estate in the area. Kelly Drum operated several marine related industries, as well as real estate and development companies, including involvement with the Lauderdale Marina and the 15th Street Properties. Their financial partner was Steve Halmos who was one of the largest investors in the City of Fort Lauderdale.

Mr. Lochrie explained that this was a 38,000 square foot mixed-used project and would provide the City with approximately \$2.71 per square foot. Rent would be commenced in the first year, which would increase annually at 2.5% with additional increases after the fifth year when the Maritime Museum would begin paying rent. He proceeded to show a rendering of the project.

Mr. Lochrie stated that a need to keep a pedestrian presence in the area was identified immediately. He explained that the structure this group designed would provide 25-foot sidewalks along Second and Fourth Avenues. He explained there presently was a surface parking lot which they would get rid of and have activities directly on those streets. The ground floor would house 7,000 square feet of retail and above there would be 7,800 square feet of office space. He explained that the Tarpon Bend Restaurant had a second floor of leased office space which was managed by Mr. Hooper.

Mr. Lochrie continued stating that there was a need for this type of office space. They were proposing work/live units along Fourth Avenue which would be restricted so that the first floor had to be used for a commercial purpose. He stated that his brother had an art gallery on Las Olas and was going to move to Lauderdale-By-The-Sea so that he could live above his gallery.

Mr. Lochrie explained that the parking was hidden behind the facades and would not be visible from either Second or Fourth Avenues, and that the overflow parking would extend to the DDA garage. He continued stating that the Maritime Museum being

proposed would be 6,800 square feet and was being headed by former Mayor Bob Cox and his grandson Kelly. He explained that a board had already been established and proceeded to recognize the Executive Director of the Marine Industry Association, Frank Herhold. Mr. Lochrie explained that the Marine Association had already contributed money to this program. Mr. Lochrie also stated that Fort Lauderdale was considered the Yachting Capital of the World and was also associated with the largest boat show in the world. He felt this could be a vital part of the tourism for this City, but yet there was no Maritime Museum as of this time. He explained that they were proposing to have significant historic vessels along with exhibits, a theater, and meeting room for various types of displays and a gift shop. Mr. Lochrie continued stating that within the central Riverwalk area they were proposing that vessels be exhibited on a rotating basis.

Mr. Lochrie explained that they were also proposing a floating dock which would be located on the New River. Consistent with their proposal, they were looking for funding to assist with this component. He explained this was not a contingency for this project, but they felt it was a good thing for the City. One of the other items in their proposal was a play area for children similar to a sunken ship motif.

Mr. Lochrie stated that they had received a letter from the Performing Arts Center stating their interest in the project. He explained that they had identified an area at the corner of Fourth and Second Avenues for such a structure.

Mr. Lochrie proceeded to show elevations of the site which were consistent with Mike Krupnick's style.

Mr. Lochrie explained that their rent structure provided a fair return to the City and was approximately 80% higher than the other proposal being made in terms of the actual rent returned at the end of the day.

Mr. Lochrie proceeded to show photographs of a Boating Museum in Clayton, New York. He continued stating that the floating dock would be perfect for boats visiting such as the Amistad.

Judge Bob Fogan stated that he was speaking on behalf of Mr. Ropes' project and was in favor of its historical significance, along with the establishment of a Maritime Museum.

Susan Buzey, Executive Director of the Broward Art Guild, stated they were interested in the site. She continued stating that they had been in contact with Messrs. Lochrie and Hooper and extended a reaffirmation for their services.

Frank Herhold, Marine Industry Association of South Florida, stated that they began life as a waterfront commercial community and there was a need to preserve the City's heritage. He believed that Mr. Hooper's project was right on target.

George Counts, President of the Marine Historical Society in Broward County, stated that the City did not have anything to personify its marine industry. He felt they needed something of historical significance which could be supplied by the Marine Museum.

Patrick Flynn, Managing Director of Florida Grand Opera, stated that the Opera was one of the first investors in the area and were impressed with both projects, but he felt Mr. Hooper's project, including the boat museum, was more impressive. The only concern he had was that on the second floor of the Opera Center was a ballroom with a beautiful view of the river. He was worried this view would now be obstructed with a wall and asked if some modifications could be made to help preserve the view.

Commissioner Hutchinson asked for a clarification of the rent calculations and stated that the Abreu Group over a 50-year term would bring in a little over \$1.6 Million. Mr. Chuck Adams stated corrections had been made regarding those figures. He explained that figure was a present value discounted number, which was not what the RFP had asked for, and the corrected number was \$3,108,980.00 over the 50-year term. Commissioner Hutchinson stated that she liked the live/work spaces incorporated into the project by the New River Trading Post, and she felt this step was necessary in order to get pedestrians into a specific area. She further stated that she was in favor of the New River Trading Post project and their work with the Maritime Museum.

Commissioner Smith stated that he agreed with Commissioner Hutchinson and did not like the first proposals which had been presented. He stated that the Abreu proposal was a very good one, but he felt the Hooper project had more to it. He was in favor of the live/work space and did not feel that straight condominium projects would work in the area. He felt the artist types would fit into the area and that the marine center was a good size, and that the project should proceed forward.

Commissioner Moore stated that he was concerned about the legal aspects of the RFP. Since the original RFP stated no living space, would there be a problem if they proceeded with a live/work space type project. Mayor Naugle stated that the RFP had said no residential, but it did not say no mixed use.

The City Attorney stated that the language in the RFP stated: "The Fort Lauderdale City Commission has indicated a preference for non-residential use or non-residential mixed-use proposals and will not consider proposals providing a residential use." He explained that this meant the City had a preference for non-residential use and would not consider proposals providing total residential use. He felt the language was not very clear, but the City did have the flexibility to decide if the proposals contained a residential component and it could be considered.

Commissioner Moore stated that he accepted the City Attorney's explanation. He stated that he liked both projects and the individuals involved. He further stated that he liked the component of the Performing Arts Theater and the restaurant made it more people friendly. He was in favor of the maritime concept, but was concerned with the museum's viability. He reiterated that the historic properties along the River were not a great

success, but they were improving each year. He asked Frank Herhold if his industry would finance this project in some degree.

Mr. Frank Herhold stated that their Association had already committed \$25,000 and were very interested in the project. He reiterated that they had Board members who showed a very strong interest in this project and wanted to preserve their heritage.

Commissioner Moore stated that the one proposal dealt with a small type of maritime museum and they stated that the advocate for the museum would also bring in artifacts. Mr. Morgan explained that it was a verbal agreement and if they were willing to accommodate the maritime group with free space, it was logical to ask who would provide the necessary funds if there were no paying customers. A compatible use would provide the opportunity of not having that exposure and being short of finances.

Commissioner Moore asked if Mr. Hooper's group did the Maritime Museum and if it did not work out, what would be the alternative uses for the space.

Mr. Alan Hooper stated that Kelly Drum and Bob Cox were going to get this museum well stabilized and organized. However, after five years the Maritime Museum would have to pay a certain amount of rent in order to give them a motivation to continue performing. After the five years, Mr. Hooper explained he could exercise the rent to be paid which would give him control of the building. An alternative such as a restaurant or office space could be provided for the site. The Museum wanted the opportunity and was well represented.

Commissioner Moore asked both groups about the building of the dock and stated that he wanted some additional information.

Mr. Morgan explained in their proposal the dock would be constructed at their expense because it could provide for in-water display for the maritime component. He explained that was one of the major differences whether there would be any contribution required from the City, and that was what would equalize their rent. He stated that they wanted to make sure that the water taxi could stop at the site and bring visitors in and out of the location. He further stated that the rent would be equivalent of sorts.

Mr. Chappelle stated that there appeared to be some confusion regarding the difference in rents. He stated that their rent was approximately \$14,000 a year less than their rent which was \$50,000. They were paying \$37,000. It would take 15 to 20 years to recover the cost of the dock if you attributed any value to the City's money. He further explained the City would have a much bigger upside with their project because even though they guaranteed the \$37,000, they were giving an increase which could be greater since it was based on a percentage of the income from the project. He reiterated that the rents proposed were very similar in dollars.

Mr. Hooper explained that the dollar figure for the dock was set up because they felt the City would want their own dock. It was not part of the site plan. \$150,000 out of a \$6.2

Million project was insignificant to the extent that it could be built and maintained, and was not a contingency on this project. He stated that after the fifth year the Maritime Museum would give \$10,000 in rent to the City.

Commissioner Katz stated that she was disappointed that the Himmarshee Group, Riverwalk Trust, and the Performing Arts Center did not step up and voice their needs regarding this project and linking it all together. She felt it would have been a good idea to allow them to be part of the process. She continued stating that she was glad to see that both projects incorporated a Maritime Museum and promoted pedestrian activity, but she wondered if only 10 live/work units would supply enough patronage for the area. She stated that she wanted to make sure there was activity in the area both during the day and at night. She was not sure if this location was where people should be living and felt there were other areas nearby that would be better.

Commissioner Katz further stated that she was concerned if the Maritime Museum did not work out, what would take its place. She felt that 6,800 square feet was a large area and she did not want offices at the site, and believed it was a science/art location. She reiterated that both proposals were offering a dock.

Commissioner Katz also stated they needed to see that they were getting rent which had been asked for in the RFP, but it was necessary to look and see how this would fulfill the mission of the historic/art/science area. She felt this was an important “piece to the puzzle.” She stated if the neighborhood did not state their needs, it was up to the City to determine the best for the area. She stated that she was in support of the Abreu proposal.

Commissioner Hutchinson stated that she had a letter from Mark Nerenhausen from PAC and saw this project as a win/win situation. She further stated that he had listed the criteria his group was looking for in relation to PAC’s needs.

Mark Nerenhausen, Performing Arts Center, stated that he apologized for the lateness of his material. He stated they had met with both proposers and the Board had not yet taken a position regarding this matter. He explained that they did attempt to outline their interests regarding the development for the area and encouraged the Commission to review their criteria before making their decision. He further explained that this echoed the design criteria which they built into their response of the RFQ, day and night activities, and response to community needs for access to the site. He reiterated that the linkage of the adjacent areas were very important.

Commissioner Hutchinson stated that Patsy Menutti from Riverwalk was at her meeting last night and would reiterate their concerns regarding this project and its importance in linking with Riverwalk.

Patsy Menutti, Executive Director of Riverwalk Trust, stated they wanted to see day and night usage of the site. She stated the location was a critical one which was in the arts and entertainment district and linking with the science and history aspects for the area. She continued stating that they were not in a position to choose sides at this time.

Commissioner Hutchinson reiterated that while staff reviewed the proposals they would look at how it fit in with the Riverwalk guidelines and other criteria. She continued to point out that one proposer worked directly with the maritime people and accommodated their needs.

Jim Carras, President of Himmarshee Village Association, stated that the Riverwalk Fort Lauderdale Trust, which he served, sponsored a community stakeholders meeting and both projects were presented. He explained that they did not yet take a formal position regarding the projects, and two of their Board Members were connected with the New River Trading Post and they would have to review a potential conflict of interest. He explained further that in 1999 the City had funded a Business Capital Improvement Grant to the Association and a consultant had conducted a charrette which led to the DDA and the City making over \$1 Million improvements to the streetscape for Second Street. They made it clear at that time that they were interested in a linkage between the entertainment area, the Riverwalk, and Performing Arts Center. They were concerned about the “dark spot” which currently existed. He explained that most of the members of their Association were bars and restaurants and everyone agreed that was not what should be at the old post office site. They recognized the need for diversity in the area. He explained he was not in position to support either proposal, but based on an unscientific survey of respondents he had spoken to, everyone endorsed Mr. Hooper’s project.

Mr. Carras stated that one thing he had not heard during this process was that the Maritime Museum had a business plan. He felt it was incumbent that they have one in order to help strengthen the proposal.

Mayor Naugle stated that it appeared that the District Commissioner favored the New River Trading Post, along with Commissioner Smith. Mayor Naugle stated that they were lucky that they had received two strong proposals for this site, and he also favored the proposal submitted by the New River Trading Post. He believed the Maritime Museum was important to the City. He stated that it appeared there was a consensus to have staff bring back a contract, ordinances, and amendments to the Commission regarding the proposal.

Commissioner Moore stated that it appeared that negotiations could still take place and he felt they were acting too quickly. He agreed that both proposals were very good, but since the individual organizations on the River did not take a position, and the fact that consideration could be given to the square footage which was being offered to the Museum, as well as a business plan showing donors and operational dollars, he believed that the likelihood of a non-profit entity taking up 6,000 square feet of space had a greater chance of failure. He suggested that both proposers make presentations to the organizations and see what could be negotiated. He stated that he liked the 300-seat theater and felt it offered something that would provide 18 hours of use. He was not sure that the Museum and the 10-live/work units could offer this. He felt they needed more input on this matter.

Commissioner Hutchinson stated that presentations had been made to PACA and Riverwalk, and the entities chose not to take a position.

The representatives from PACA, Riverwalk, and Himmarshee reiterated that they had not yet taken a position regarding this project due to the fact that timing had been an issue and Board meetings had not yet been held.

Robert Lochrie stated that last week they discovered that the Abreu Group were making a presentation to the Finance Committee of the Performing Arts Center and an invitation was also extended to the New River Trading Post.

Commissioner Hutchinson stated that this had been going on for quite a while and the groups should have contacted everyone to ask for further information.

Mayor Naugle remarked that they had two 300-seat theaters, which were dark most of the time. Commissioner Hutchinson stated that she was prepared to move ahead on this matter. Commissioner Katz stated that she believed the rush on this matter was unnecessary and it closed out the community from taking a stand and giving their input. Mayor Naugle remarked that they had been in the RFP process for approximately 40 months. Commissioner Katz reiterated that they were rushing into this matter.

Commissioner Smith stated that the Commission would take the position that the majority believed the New River Trading Post was the stronger of the proposals, and the organizations could meet at their regularly scheduled times and input could then be forwarded to the Commission on this matter.

Action: Move forward on this matter and negotiate with the New River Trading Post and the organizations would forward their input after meeting.

I-B – Amendment to Transportation Element – Broward County Comprehensive Plan – Transit Oriented Concurrency

Commissioners Moore and Katz left the meeting at approximately 2:50 p.m. and returned at 2:52 p.m.

Bruce Chatterton, Planning and Zoning Services Manager, stated that they were here regarding two somewhat different but related issues. He explained that Commissioner Smith had asked them to revisit the County proposal to change the way in which they dealt with transportation concurrency, and they wanted to ask for the opportunity to develop some ordinance language. He further stated that they needed the Commission's approval to proceed with an update to the transportation's comprehensive plan.

Mr. Chatterton stated that the County had a proposal to change from the current roadway based concurrency management system to a system based on transit. He explained that most of the City was located in a transportation concurrency exception area which meant they were not affected by roadway based concurrency. Under the County's proposal the

exception area would go away and be replaced with a concurrency system that would require development contributions based on transit. The transit related projects would not relate strictly to transit and could be multi-modal projects, including pedestrian improvements.

Mayor Naugle remarked they could then include transportation management matters. Mr. Chatterton confirmed.

Mr. Chatterton further stated they were asking for approval to develop language along those lines of transportation management. He continued stating that previously they had presented to the Commission a draft list of projects which were in the City's section of the County's overall concurrency plan that could obtain funding. He further explained that it had not yet been determined how the projects would be prioritized or who would be making the decisions as to which projects were to be funded, but currently they discovered it would be done by the MPO.

Mr. Chatterton stated that Commissioner Smith had three concerns. First, there should be local control over choosing and prioritizing the projects that would be funded through concurrency. Second, there was a feeling that the CRA should remain a transportation concurrency exception area. Currently, the plan stated that cities were able to set aside funds for a redevelopment area, but that was not the same as being exempt from concurrency. Thirdly, under the new system they would not be able to ask developers to contribute to transit related projects, but they would be able to ask for contributions if they had an ordinance which would allow contributions to a demand management program or transportation system management program.

Mr. Chatterton stated that Elliot Auerhahn was the Project Manager for the County proposal.

Mr. Chatterton reiterated that they were discussing the Commissioner's concerns, but were also asking for Commission's approval to prepare ordinance language for a TSM Program which would allow them to continue receiving contributions for some projects.

Mayor Naugle asked if this would be subject to approval through the County's Comprehensive Plan or the MPO. Mr. Chatterton replied that currently both would be involved. Mayor Naugle continued asking if there would be other cities that would be making similar requests to strengthen their opposition. Commissioner Smith stated that he did not think that would be the case. Mayor Naugle felt it could be good strategy to try and get some other cities to request local control. Commissioner Smith stated that if they took that position today, then he and Commissioner Katz, who were members of the MPO, could share that with their fellow members. He felt they would also want local control over their transit dollars.

Mr. Chatterton stated that all cities asked to be transit related concurrency cities with the exception of Parkland and the Southwest branches. Mayor Naugle asked if this had been presented to the Downtown Development Authority. Mr. Chatterton stated he was not

sure if there had been a specific presentation. Commissioner Hutchinson replied that she did not believe there had been a presentation.

Commissioner Smith stated that they wanted to implement transit and it would cost a lot of money. He believed that all the new development proposals should pay into this. Therefore, the question was whether they should allow the County to manage this and what type of control would they have if the County received the impact fees and kept the money in their accounts. Commissioner Moore asked what would prevent the County from using the money outside of their City's limits. Commissioner Smith stated that even if it was to be spent within the City's limits, should other surrounding cities have a say in what projects should be chosen.

Elliot Auerhahn stated that the system currently divided the County into districts, and there was a district for the core of Fort Lauderdale, which stood alone.

Commissioner Smith asked for a further definition of the words "core of Fort Lauderdale."

Mr. Auerhahn explained that it was from State Road 84 to Sunrise Boulevard and out to I-95. Commissioner Smith asked if the money generated within that area would have to be spent within that same area. Mr. Auerhahn confirmed. Commissioner Smith asked who would make the decisions as to where the money would go and how much of it would be spent. Mr. Auerhahn explained that the candidate projects would come from the local governments in each area. In this case, it would go through the City of Fort Lauderdale and then through the MPO and on to the County Commission. In the cases where the projects were Broward County transit projects and funded totally by the County, the County would want to be the one to decide where the funding would go. He further stated that this was the only City, that had a strong interest in putting City money into this program.

Commissioner Smith stated that he felt their priority transit initiatives were regarding a downtown circulator that they were teamed up with the DDA to produce, and the beach transit system. Both of those were looking at federal funding. He stated that he was not in favor of giving up control in order to bring in transit.

Mr. Auerhahn explained that if there were City funded programs, they could shift developer funds strictly into the City programs. They would know what percentage was subsidized by the developers and that money could be given directly to the City if there were projects that were committed. Commissioner Smith replied that if it were done in that fashion, he would have no problem. Mr. Auerhahn continued stating that they could not have developers fund something that was not being subsidized by the public sector.

Mayor Naugle stated that the recommendation was to direct staff to develop the ordinance and identify the method of updating the transportation element.

Commissioner Moore stated that he felt they needed an ordinance dealing with affordable housing and having the opportunity to put dollars aside by the developers simultaneously with this program. He further stated that he did not mind the guidelines as long as the boundaries were followed.

Commissioner Smith asked Commissioner Moore if he was in favor of the MPO and the County making the decisions as to where the money would be spent. Commissioner Moore asked if he was correct in understanding that the City as the local entity in the core would list the projects for funding, and the MPO would have to choose one that had already been pre-approved by the Commission.

Mr. Auerhahn stated that to the degree that the projects were in that area, it would work, but many projects would cross the boundaries from one district to another. Commissioner Smith remarked that the Commission was looking at this differently. Mr. Auerhahn explained that they expected a mixture of local municipal projects, which would stay inside the City, and projects, which would affect a broad area of the County. Commissioner Katz asked what percentage would stay within the City.

Commissioner Moore stated that he had re-read this several times and that A-1-A was not on the list a few months ago until the Commission suggested it be placed on it. He asked if this same type of direction could be offered to the County under the proposed concept.

Commissioner Hutchinson left the meeting at approximately 2:53 p.m. and returned at 2:58 p.m.

Mr. Auerhahn stated that he was attempting to get staff to give him a list of City projects, which were in the five-year program. Mr. Chatterton remarked that they had given a draft list to the County.

Commissioner Smith asked why the County needed to be involved. Mr. Chatterton explained that the concurrency was at the County's level. Commissioner Smith asked if they could enact impact fees for transit within the City. Mayor Naugle replied that legislation would have to be passed to give the City authority to have their own, which was possible.

Mr. Auerhahn explained that impact fees by case law could only be used for capital improvements. He asked Mr. Chatterton to talk about the longer term because this was only a temporary measure and they were aiming for a program that would look at pedestrian and design-oriented features.

Mr. Chatterton stated that the City of Fort Lauderdale was the only city which had a concurrency district located wholly within the City. He further explained that other cities were splitting their districts. He stated that the draft proposal had recognized the "core area" of Fort Lauderdale as being unique. Mayor Naugle remarked that it was also the most compact.

Commissioner Smith stated if a developer built something on State Road 84, couldn't that money be spent in Pembroke Pines. Mr. Chatterton replied that the district would not go as far out as Pembroke Pines, but it could be related to other cities within a certain area. Commissioner Smith asked if the CRA shouldn't be made exempt. Commissioner Moore replied that the CRA should be exempt, but if it was exempted you might not be able to get money from the County to assist in making it more mass transit friendly. He asked if there was an ordinance that dealt with a concurrency fee that was more for the CRA area would that be a method of addressing the problem.

Mr. Chatterton replied that was what the County was actually saying. If the City wanted to treat a redevelopment area or a CRA in a special way, you could create that pull of funds through whatever mechanism available. Mayor Naugle felt that would create a disincentive within the CRA. Commissioner Smith stated it was hard to convince developers to go into certain areas because they all want to go on the beach, and they wanted them to go along Andrews Avenue. Commissioner Moore reiterated that the beach had a CRA.

The City Manager reiterated the City's constant struggles with the County in order to maintain the powers they had within the CRA. He asked that they have some type of analysis showing how much money could be generated for each project, and what type of responsibility the City would be assuming in terms of maintenance and operation. He felt this should be explored from a reality perspective and they should return before the Commission prior to drafting any type of ordinances.

Mr. Auerhahn agreed with Mr. Johnson and stated that the developer's money would be a small percentage, possibly 5% to 10%, of whatever could be raised, and they would have to find the rest elsewhere.

Mayor Naugle reiterated that the City Manager's recommendation was to return before the Commission with ordinances and identify and update the transportation elements. The City Manager stated that he would like to supply the Commission with an analysis before making any recommendations.

Mayor Naugle stated that to address the Commissioner's concern, whatever the City Manager would bring forward it should maximize the City's control of how the funds should be spent.

Commissioner Smith remarked that he had to go to the MPO meeting next week and state the City's position. Mr. Auerhahn stated this would not be on the MPO's agenda until November.

Commissioner Moore reminded everyone not to forget about the affordable housing ordinance.

Mayor Naugle asked when this would be presented to the Downtown Development Authority. Commissioner Hutchinson stated they had a meeting on October 10, 2002.

Commissioner Smith suggested that possibly this matter should be discussed at the next CRA meeting.

Action: City Manager would supply the Commission with an analysis before presenting any ordinances.

I-C – Proposal to Establish Planned Unit Development (PUD) Zoning District

Don Morris, Planning and Zoning Division, stated that staff wanted to introduce the concept of establishing the Planned Unit Development District in the ULDR. A memorandum was distributed to the Commission listing the reasons for establishing the PUD, and the differences between the PUD district and conventional rezoning. Mr. Morris stated that if the Commission desired he could provide a brief overview or just answer any questions they might have regarding the PUD.

Commissioner Katz asked if this district was limited to a certain area of the City. Mr. Morris explained this was city wide. Commissioner Hutchinson asked if this could be done on Federal Highway. Commissioner Smith stated that they needed to make sure that certain things, such as loading zones, were incorporated into the project so as to not adversely impact the surrounding areas.

Commissioner Moore asked what was the minimum size the PUD could be done for. Mr. Morris explained that the minimum would be two acres, but there were provisions for properties in the Progresso/Flagler Heights area to be less than two acres. Also, there was language which would allow incentives for developers who had properties smaller than two acres, but were providing certain things desirable, and that would permit the City to waive the minimum.

Commissioner Moore stated that he was scared of that, and he felt a minimum was needed that would have to be followed. Mayor Naugle stated that at the ordinance reading they could impose a minimum. Commissioner Moore stated that he preferred an ordinance that would follow a zoning pattern.

Mr. Chatterton stated that there was considerable discussion at the Planning and Zoning Board about the minimum lot size for a PUD, and feelings were split down the middle. He explained that most cities in the State of Florida had something like a PUD, but called it by a different name and dealt with it differently. He also stated that the minimum lot size did vary, but the idea was that it could be an incentive for redevelopment within the CRA area.

Commissioner Moore stated that he was concerned if three people bought a dead-end street and applied for a PUD, and it did not have any substantial development impact, but the parking and landscaping requirements were downgraded, those three people would prosper and the community would not.

Mr. Morris stated they had built in the ordinance safeguards stating that they would have to be compatible with surrounding properties, be of a unique design, and the developer would have to demonstrate why he could not develop under a traditional zoning classification. Commissioner Moore stressed the matter of a minimum size.

Mayor Naugle stated that they could have a minimum of two acres with no flexibility and down the road it could be amended.

Commissioner Hutchinson stated that she would like to see the minutes of the Planning and Zoning meeting when this matter came before the Commission again.

The City Attorney stated that one could argue to make the lots smaller allowing the Commission more flexibility and putting greater controls on a development. He explained that it was used quite often in Orange County on one-acre lots for 7-11 Stores where additional sign regulations were added since it was not in a commercial district so billboards and other types of signs were prohibited.

Action: Proceed with the ordinance.

Conference Meeting was recessed at 3:15 p.m. for the Executive Closed Door Session. The Executive Closed Door Session began at 3:23 p.m.

Conference Meeting reconvened at 3:37 p.m.

III – Advisory Board Appointments

Community Services Board

Action: Deferred

Parks, Recreation and Beaches Advisory Board

Commissioner Smith appointed Michael Natale. Commissioner Moore appointed Shirley Small and Antonia Martinez.

Action: Formal action to be taken at the Regular Meeting.

Marine Advisory Board

Action: Deferred.

IV – Commission Reports

Victoria Park Tree

Commissioner Smith stated that the tree had not been saved, and the City should take this opportunity and look around at the other great trees in the City and protect them in advance. He introduced Thomas Chancey and stated that he had done some research regarding Banyan Trees and that he was willing to do pro bono work for the City in this matter.

Thomas Chancey, arborist, stated that he had been at the Court hearing and the City's attorney had done an excellent job, and some of the points made by the developer were not portrayed accurately in stating the crux of the problem. Mr. Chancey stated that he had written approximately five pages about that specific tree as it related to the verbage he kept hearing regarding native and non-native species. He explained that in the "Florida jungle" they had a conflict of interest. It was up against the "concrete jungle." He felt this was an opportunity in that this "sacrificial tree" could prevent this from happening again in the future. He felt the developer could have avoided this matter.

Mr. Chancey stated that conferences held in regard to building in forest situations, the statistics show that the values in real estate in tree communities were approximately 19% higher. He further stated that discussions were held as to whether this tree was historic and he presented some points to the Historic Preservation Board members. It was his understanding that you could not designate a tree historic, if it was not on a historic site. He further stated that this particular species of Banyan had been brought into this country and proceeded to quote an article from the Sun-Sentinel that was a few years old which read as follows:

"George Hinckley moved here at the turn of the century in 1896 and bought a piece of property down near the Airport at US-1, and the property was a swamp with a hammock dominated by a large Banyan tree (identical to the one being cut down). He imported trees from as far as India and Japan and the tree remained for many years as a dominant tree."

Commissioner Hutchinson left the meeting at approximately 3:45 p.m. and returned at 3:50 p.m.

Mr. Chancey stated that what was intriguing was that this was the tree that had been selected by the City's forefathers for this historic town. He proceeded to list various areas where Banyan trees could be found. He further stated that he had heard comments that this were dangerous trees and that they had been knocked down during Hurricane Andrew. He explained that he had been asked to observe the damage and many other ficus trees had been destroyed, but the Banyans were not down only topped.

Mr. Chancey remarked that he was puzzled by the fact that this tree could not be designated historic. He stated that another article which had been written in 1990 read as follows:

“ The City Forester, John Kerns, said that we have gone from 1973 to 5% canopy and up until 1990 it was up to 20% coverage. He said the goal was 35%, and the national goal was 40%. Broward County had a goal of 40% tree canopy.”

Mr. Chancey remarked that this involved global warming and pure air. He stated that the heat islands needed to be shaded. In 2002, tree canopy was down to 14%. He explained that they were rapidly losing the native hammock in downtown Fort Lauderdale. He further explained that root systems were being obliterated. He recommended that the ordinance needed to be changed regarding canopy due to the conflict in development. He stated that the native species were protected, but the exotic were not. Mr. Chancey commented that only ten types of trees were on the current protective list. He remarked that the City was listing and saving non-native trees and he agreed they should be saved because they were antiques. He also stated that the native trees were being lost and the only one being saved was the “native ficus aria” which was known as the “Strangler Fig.” He suggested that enough research could be done so the critical areas could be looked at and saved.

Mayor Naugle stated that he felt they should appeal the matter of the Banyan tree.

Commissioner Smith remarked with the tree canopy at 14% they were definitely heading in the wrong direction and they needed to renew their efforts. He asked if some type of emergency proceeding could be enacted so that when any development proposal came to the Building Department that contained such trees, the matter could be red-flagged and brought to the Commission’s attention.

The City Attorney stated that if a policy was adopted or the Commission directed the Building Department to watch out for a particular type of tree that could be done. They could then go through and identify and designate such trees as protected trees. Mayor Naugle stated they could establish a caliper and size for the criteria. The City Attorney further stated that the size was not always part of the criteria, but that the trees were unique in some way.

Mayor Naugle felt if this policy was developed and they looked around the City in a pro-active basis, the Community Appearance Board could possibly advise the Commission before any future action would be taken.

Commissioner Smith stated that he did not feel that the Building Department staff had the same philosophy regarding the value of the larger trees. Commissioner Moore felt that staff needed the Commission’s direction. He asked if it was possible if that tree could have been saved.

Mr. Chancey explained that the first thing was to preserve it, and possibly try and build around it. The tree needed maintenance because it had been neglected for a long time. He further explained that one could put root trunks where one wanted them and could use carpet rolls for the procedure. He believed that you had to plan in advance. He believed the tree could have been moved, it would have been difficult, but it could have been done. The tree could have been something to attract tourists to the area.

Mayor Naugle stated that if the development had been designed to include the tree, they probably could have sold the units for a higher price, and if there had been a protective ordinance they might have chosen that route. He proceeded to ask Mr. Chancey if he was willing to come back and establish a class tree with a certain type of caliper and make recommendations to start zoning in progress which would flag developments in that type of situation. Mr. Chancey confirmed.

Action: Agenda for October 15, 2002 with recommendations on enacting a zoning in progress.

Department of Community Affairs

Commissioner Smith stated they had received a letter regarding the City's ability to be exempt and certified so it would not have to go through certain State procedures.

Action: The City Manager stated they were working on this matter.

Police Vacancies

Commissioner Smith stated that they were down to 2% vacancies for the Police Department. Seven new people had been hired and there were only ten vacancies at this time. Commissioner Smith proceeded to congratulate Chief Roberts on his hard work.

Chief Bruce Roberts, Police Department, stated that due to the annexations thirteen more positions were vacant and they were working on the matter.

Action: None.

Art Fair

Commissioner Katz stated that a Homeowners Association in District I was trying to use the outside area of Floranada School for an Arts and Crafts Fair and was told by the School Board that they needed to pay \$1,000 and also obtain insurance. She asked if this matter could be facilitated.

Mayor Naugle stated that he had been working on an agreement with the City Manager whereby there could be a joint use. The City Manager stated they would be working with the group. He explained that the regular meetings of the Association had been taken care of, and this was a different event. It was his understanding that this event had been held

for a number of years. He further stated that if it was a matter of co-insurance, the City was empowered to do that and would facilitate the matter.

Action: Process to be facilitated.

Traffic Studies

Commissioner Katz stated she was concerned about all the different studies that were going on and had heard from the public their concerns that the studies were not being coordinated. She further explained that she and Commissioner Smith had attended a meeting at Representative Connie Mack's office and understood what basically would be funded on a priority level.

Greg Kisela, Assistant City Manager, stated that he felt the message received was that they needed to focus on a particular transportation project from a State's standpoint so they could lobby for it. On October 15th or November 5th, they would present the Commission with a list of project to choose from.

Commissioner Katz remarked that they also discussed the plans regarding Federal funding. She proceeded to ask if they were going to be lumped together or would they have to prioritize them. She suggested that the DDA, Keith & Schnars, and Tom Gustafson's RAC study explain to the Commission how these studies would link together.

Commissioner Smith reiterated that things were happening but they were not joined together at this time. He stated they needed to integrate the studies so the representatives would know which projects to support.

Mr. Kisela stated that they would bring back to the Commission a list of the different transportation projects, along with potential funding sources. He felt they needed to pick one project so the State could champion for the City.

Commissioner Smith stated that SIM (he was not sure what the letters stood for) was a new pot of money that DOT had which would possibly cover the following projects:

- The Airport to the Seaport Project (had to be bigger than regional)
- Park 'n Ride Lot at Broward and I-95 as a Multi-modal Hub

Commissioner Katz stated that discussion was held regarding the Monorail at Broward and I-95.

Mr. Kisela stated that they would bring all the projects that were on the board, along with the funding sources.

Commissioner Moore left the meeting at approximately 4:12 p.m. and returned at 4:13 p.m.

Mayor Naugle reminded everyone that there would be a meeting this Friday regarding the FEC.

The City Manager stated that they would bring back a report, which was developed and given to Congressman Shaw and Congressman Hastings regarding transportation funding last year. He believed that Congress's priority would lie with Homeland Security.

Mayor Naugle reiterated that they should compete for whatever money was available.

Commissioner Katz stated that they had a form of strategy regarding the beach shuttle when they spoke to Congressman Shaw, but then their focus switched to the downtown sub-area mobility study.

Commissioner Moore stated that they did whatever anyone told them to do and that was why there was no consistency. He believed they needed to focus on what they wanted.

Commissioner Smith stated that he had asked Mr. Chesser how the appropriation from Congress regarding the beach shuttle looked, and his reply was that it was not yet cut.

Commissioner Katz suggested that they invite representatives of the DDA and Keith and Schnars to attend the meeting regarding this matter.

Action: Transportation projects to be placed on Agenda.

Broward League of Cities

Commissioner Moore stated that he had joined a committee regarding Replanting of Broward County and had been a member of the Committee that reviewed the responses to the RFP. He explained that two individuals were chosen, but they did not have enough plants. He further explained that they would use the two individuals and take what they had to offer, but they would also review the RFP so they could obtain various sizes of plants so the replant could be completed. Commissioner Smith stated that it was better to get fewer trees, but larger ones. Commissioner Moore continued stating that they had hired an arborist to assist in the writing of the RFP.

Action: None.

Martin Luther King Event

Commissioner Moore thanked everyone for their appointments and stated that the committee was coming up with some great ideas and support. He stated that they were going to recognize a national family and an unsung hero, and a program would be centered around diversity involving many communities and would be held at Parker Playhouse on January 20, 2003.

Action: None.

Woodlawn Cemetery

Commissioner Moore congratulated the City Commission and Horace McHugh on the work done at Woodlawn Cemetery. He further stated that a ribbon-cutting would be held on October 12, 2002 at 9:00 a.m.

Action: None.

Lincoln Park

Commissioner Moore thanked Parks and Recreation and Greg Kisela for meeting with the community and answering all their questions regarding Lincoln Park. Commissioner Moore stated they would be receiving additional information regarding testing and the State would instruct the City on how to proceed.

Action: None.

Police Visibility/Sistrunk Boulevard

Commissioner Moore thanked the Police Department for their work along Sistrunk corridor. He asked that attention be paid to the Mizell Multi-Purpose Center as to the utilization of the space and informing the community about the City's plans. He further asked that the space on the second level would not be turned into office space and be kept for public use.

Action: None.

Citizens Volunteer Corps (CVC) Project

Commissioner Hutchinson thanked everyone for participating on September 21, 2002. She remarked that they did need some additional paint brushes for the completion of the mural. She added that they would probably do one more project.

Mayor Naugle stated that they had a wonderful family event there on Saturday. Commissioner Hutchinson stated that the staff on the 8th Floor of City Hall did a wonderful job.

Action: None.

Federal Courthouse Update

Commissioner Hutchinson stated that they had to cancel their last community meeting due to information received regarding the "swap" of property. She stated that it seemed

that GSA had done a good job and she was going to meet with Tom Walker regarding the matter.

Commissioner Smith stated that he hoped they would be encouraged to look elsewhere. He continued stating that he wanted to be clear regarding his position on this matter, and that was that Hardy Park should not be taken away and that he was opposed to this project. He felt there were other options available and the City should do what was right for its citizens.

Action: Additional information to be received regarding the land swap.

ABC Prime Time News

Commissioner Hutchinson stated that ABC wanted to do a one-hour special on Fort Lauderdale in October showcasing the Police and Fire Rescue Departments as they relate to safety in hotels, office buildings, and garages. She further added that they also wanted to do filming of a car in the water and wanted to use the Las Olas Bridge. The underwater filming would be done at the lake in Snyder Park. She also stated that they would be using an “environmentally sensitive” car. She asked the Commission if this could be done and if they could assist them in the permitting process with FDOT and the City. She remarked that FDOT needed a resolution from the Commission to close the two eastbound lanes of the bridge and accommodate two-way traffic on the westbound lanes. Commissioner Hutchinson further stated that the road would be closed after rush hour in the morning and it would reopen before the afternoon rush hour. She added that they did not have a definite date as of this time, but assumed it would be during the week of October 14th. She reiterated that at tonight’s meeting they needed to walk on a resolution that the Commission approved this project, thereby allowing the City Manager and the permitting staff to work through the permitting issues. She added that they would also burn part of the old Budget Hotel.

Commissioner Smith asked if the Coast Guard needed to be notified. Commissioner Hutchinson stated that was not necessary.

Action: Resolution introduced at the Regular Meeting and the adjacent neighborhoods to be notified.

Lakeview Garden Apartments

Mayor Naugle stated that he had received a letter regarding the removal of the reversionary clause for the Lakeview Garden Apartments.

Action: None.

Polling Station in Kosovo

Mayor Naugle stated that one of the City's employees, Kathy Preston, had applied for a position as a polling inspector and observer in Kosovo. He remarked that possibly she could help this state in uncovering their polling problems.

Action: None.

Victoria Park

Mayor Naugle stated that he received a call from a resident in Victoria Park and that older homes had been torn down and now the adjacent residents were being infested with dry wood termites. The exterminators had the theory that when the buildings were torn down the termites spread. Mayor Naugle suggested this theory be investigated and possibly when older buildings were to be demolished they should be treated for infestations beforehand.

Charlie Ladd stated that he thought a termite letter was required before demolitions could take place.

Action: Matter to be researched.

City Manager ReportsLinda Cox – Lobbyist

The City Manager stated that Linda Cox attended the meeting regarding transportation. He stated Item M-14 regarding the Comprehensive Annexation Bill would be on tonight's agenda. He further added that they had received some information from the City's Delegation regarding whether the Delegation or the Legislature would be receptive to any annexation bills. The City Manager advised the Commission to take action on tonight's matter. He also stated that he had spoken with Representative Smith who stated that while there might not be a specific annexation bill filed, he would put in a placeholder in case the City opted to proceed in the future.

The City Manager stated that Broward County's approach to annexation was to form a joint committee which would involve representatives from the County Commission, the Legislature, and the Broward League of Cities. He stated that he did not have a problem with who had been appointed to the Committee, except for two of the cities which had been an obstacle to annexation. He further stated that Fort Lauderdale had not been placed on the committee. He stated that he would be communicating with the Broward League of Cities so this City could be represented.

Commissioner Moore remarked that the appointments to the Board had been done by the President of the Broward League of Cities.

Action: Fort Lauderdale to obtain seat on the joint committee.

Municipal Leadership in Education Project

The City Manager stated that the Mayor and Vice-Mayor had signed the Study Guide. He stated that Leslie Carhart would give an update on this project.

Leslie Carhart, Community and Economic Development, proceeded to distribute "Fort Lauderdale Making the Grade" which was a study circle guide for the Municipal Leadership Project. She explained that a letter was sent out and they were presently operating under a very uncomfortable and condensed time frame. The first orientation for the study circles had been held last Friday from 6:00 p.m. to 9:30 p.m. and was attended by approximately fifty people who were predominantly school organizers.

Ms. Carhart continued stating that they needed the Commission's help to get representatives from each Civic Association to attend these meetings. She explained that the Urban League would be coming on board in conjunction with numerous education initiatives. The final copies of the guides would be printed by the North Broward Hospital District and would be available for the facilitators' training. She also explained that another facilitator's training would be held on October 19, 2002 and orientation sessions would be held on October 21, 2002 in conjunction with the National League of Cities site visit. The representatives from The Institute of Youth, Education and Families hoped to meet with the City officials and School Board officials.

The City Manager thanked Ms. Carhart for her hard work and stated the City was one of six sites across the Country participating in this program.

CAP Mailing

Commissioner Moore stated that regarding the CAP mailing many individuals were granted the right to vote who were not residents of the City or business owners. He felt that possibly they did not get a legitimate vote due to the error in mailings.

Jenni Clark, Community Planning, explained that they worked with the company, LCS, who did a lot of direct mail for the City, and that they had given them a GIS map of the CAP areas and asked them to carve out the central area for which the City received an address list comprised of 22,000 residents. She stated that this list was used for the CAP mailing and she had heard that some residents on the outskirts of the municipal boundary had received the mail-out. She continued stating that LCS had used the carrier routes.

Commissioner Moore asked how this mailing would affect the vote.

Commissioner Hutchinson left the meeting at approximately 4:43 p.m. and returned at 4:44 p.m.

Ms. Clark replied that they encouraged people who had a stake in the central area to participate, and the vote had not yet been tallied. She explained that there was no way of referring to the votes to determine whether people lived in the area or worked there or were outside of the area.

Commissioner Smith remarked that people should not have voted unless they were “paying the freight.” He believed that the process needed to be reviewed.

Action: Matter would be investigated and a report brought back to the Commission.

There being no further business to come before the Commission, the meeting adjourned at 4:47 p.m.

**NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF
THE FOREGOING PROCEEDINGS, OF WHICH THESE
MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE
OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.**